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Care Center, Inc., and United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ASHLEY GREMMINGER and JULIO	:
CEZAR RIVAS,	:
	:
Plaintiffs,	:
	:
v.	:
	:
MONMOUTH FAMILY HEALTH CARE	:
CENTER, INC., MONMOUTH	:
MEDICAL CENTER, NATALYA P.	:
KUGAY, M.D., MARANATHA	:
#1-20 (FICTITIOUS NAMES BEING	:
UNKNOWN),	:
	:
Defendants.	:
	DOCUMENT ELECTRONICALLY FILED

**NOTICE OF MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

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PLEASE TAKE NOTICE that on February 4, 2013, the undersigned attorney, on behalf of defendant Monmouth Family Health Care Center, Inc., as a deemed employee of the United States of America, and substituted defendant United States of America will move before the Honorable Michael A. Shipp, United States District Judge, at the Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey, for an order in defendants' favor dismissing plaintiff's claims for lack of subject matter jurisdiction, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

In support of this Motion, defendants will rely on the Declaration of Meredith Torres, and the exhibit thereto, and the Memorandum in Support of Motion to Dismiss for Lack of Subject Matter Jurisdiction. A form of Order is submitted along with this Notice of Motion.

Defendants do not request oral argument.

Respectfully submitted,

PAUL J. FISHMAN
United States Attorney

s/ J. Andrew Ruymann

By: J. ANDREW RUYMANN
Assistant U.S. Attorney

Dated: December 28, 2012